

DT08 Rec'd PCT/PTO 18 MAR 2005 PCT
Customer No. 42798
Attorney Docket No. 7388/84281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Takaaki TERAHARA et al.

Group Art Unit: Not Yet Assigned

U.S. Application No. 10/525,646

Examiner: Not yet assigned

Filed: February 25, 2005

Confirmation No. Not Yet Assigned

For: PATCH

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22304

Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the

right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- () **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- () the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or
- () the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- () **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- (X) Copies of the references listed on the enclosed Form SB/08A are enclosed herewith.
- (X) International Search Report

- () A copy of the Supplementary Partial European Search Report is enclosed herewith.
- () The references listed on the enclosed Form PTO/SB/08A were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		St738atus (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- () The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- () The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- (X) No fee is owed by the applicant(s).
() The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- () Attached is a check in the amount of \$180.00.
() Charge Deposit Account No. 06-1135, under Order No., in the amount of \$0.00. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

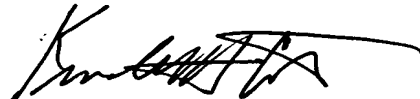
- (X) If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

- (X) Credit Account No. 06-1135.
() Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



Kendrew H. Colton
Registration No. 30,368

Date: March 18, 2005

*OFFICIAL CORRESPONDENCE TO
Customer No. 42798*

FITCH, EVEN, TABIN & FLANNERY
1801 K Street, NW, Suite 401L
Washington, DC 20006
Tel: (202) 419-7000
Fax: (202) 419-7007

PTO/SB/08a Substitute for Form 1449A/PTO		Application Number		10/52 6	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Filing Date		February 25, 2005	
		First Named Inventor		Takaaki TERAHARA	
		Art Unit		Not Yet Assigned	
		Examiner Name		Not Yet Assigned	
Sheet	1	of	1	Attorney Docket	7388/84281

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ²			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						T ⁶
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Country Code ³ -Number ⁴ -Kind Code ⁵				
		JP 04-266821 A	09-22-1992	Riide Chem KK		
		JP 09-301854 A	11-25-1997	Sekisui Chem Co Ltd		
		JP 09-315957 A	12-09-1997	Hisamitsu Pharm Co		
		EP 0993 829 A	04-19-2000	Hisamitsu Pharm Co		
		WO 96/40139 A	12-19-1996	Alza Corporation		
		JP 2002-515424 A	05-28-2002	Schwarz Pharma AG	English Translation	✓
		WP 02/38139 A	05-16-2002	Hisamitsu Pharm Co		
		JP 04-368323 A	12-21-1992	Sekisui Chem Co Ltd		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.